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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,473	02/06/2002	Yann Le Gallo	60,130-1342; 00MRA0381	7524

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EXAMINER

FLANDRO, RYAN M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,473

Applicant(s)

LE GALLO ET AL.

Examiner

Ryan M Flandro

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18,22,23,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18,22,23,26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant is hereby advised that new prior art has been discovered. As such, the finality of the previous Office action (paper no. 10) is withdrawn. The amendment submitted 16 September 2003 is entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 16, 22, 23, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Dobson et al (US PG-Pub 2001/0034975 A1) (Dobson).

a. Claim 1. Dobson (figure 8) clearly discloses an assembly including a first 18, second 24 and third 14 components and a first 70 and second 80 fixing members, the first 18, second 24, and third 14 components having respective first 72, second 74 and third 76 holes, the first hole 72 being a threaded hole (see paragraph 0038), in which the first fixing member 70 extends through the second hole 74 and a first threaded portion 72 of the first fixing member 70 engaging the first hole 72 to secure the first component 18 to the second component 24, at least one of the fixing members 80 extending through the

secure the third component **14** to the first component **18**, and the first component **18** being situated between the second **24** and third **14** components wherein the first component **18** is a door panel (see figure 8 and paragraphs 0024 and 0038), the second component **24** is a window regulator mechanism (see figure 8 and paragraph 0024), and the third component **14** is a window regulator drive system (see figure 8 and paragraphs 0023-0024).

b. Claim 3. Dobson includes the second component **24** having a first surface (periphery of hole **74**) for engagement with the first fixing member **70** to align the second component **24** relative to the first component **18** (see figure 8).

c. Claim 16. Dobson includes forces acting on the first fixing member **70** (those imposed by the threads of the first and second components on the threads of the first fixing member) preventing rotation of the first fixing member **70** relative to the first component **18** during securing and releasing of the third component **14** by the second fixing member **80** (see figure 8; paragraph 0038).

d. Claims 22 and 23. As set forth above, Dobson discloses all of the structural limitations recited in claim 22, but does not *explicitly* disclose the steps recited in claim 22 for assembling the door assembly. Nevertheless, under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification, it can be assumed the device will inherently perform the same process. *In*

re King, 802 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986). Therefore, these steps would be inherent to the configuration of Dobson.

e. Claim 26, as best understood. Dobson, as applied to claim 1 above, includes the first hole being pre-threaded (see figure 8; paragraph 0038). Because the disclosure offers no definition of the limitation “pre-threaded,” the Examiner has read the limitation broadly (e.g., the first hole may be threaded prior to assembly with the third component).

f. Claim 27. Dobson further discloses that the door panel **18** is a door module (see figure 8; paragraph 0038).

Claim Rejections - 35 USC § 103

4. Claims 2 and 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobson, as applied above, in view of Ross (US 1,986,981).

a. Claim 2. Dobson lacks a first feature on the first component engaging a first feature on the second component to align the first component relative to the second component. Ross, however, teaches a first feature **a** on a first component **3** which engages a first feature **a** on a second component **A** to align the first component **3** relative to the second component **A** (see figure 6; column 1 lines 23-35). Ross teaches this configuration in order to connect structural metal shapes of light gauge material and to prevent shearing or tearing of the thin metal surfaces under strain by increasing the bearing surfaces where they are subjected to the greatest tearing and shearing strains (column 1 lines 6-12). Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to include first features on adjacent components in order to increase the bearing surfaces as taught by Ross.

- b. Claim 4. Similarly, Dobson lacks a first feature on the third component engaging a second feature on the first component to align the first component relative to the third component. As above, Ross teaches a first feature (opposite side of **B** from **b**) on the third component **B, 2** engaging a second feature (opposite side of **B** from **b**) of the first component **3** to align the first component **3** relative to the third component **B, 2** (see figure 6; column 1 lines 23-35). Ross does this in order to increase the strength of the contacting surfaces and prevent tearing.
- c. Claim 5. Ross teaches that the first feature of at least one of the components **3, A, B** is a recess (figure 6; column 1 line 31).
- d. Claim 6. Ross teaches that the first feature of at least one of the components **3, A, B** is a projection (figure 6; column 1 line 30).
- e. Claim 7. Ross teaches that the first feature (opposite side of **B** from **b**) of the third component **B, 2** is a recess (figure 6; column 1 line 31).
- f. Claim 8. Ross further teaches that second feature (opposite side of **B** from **b**) of the first component **3** is a projection (figure 6; column 1 line 30).
- g. Claim 9. Ross further teaches that at least one of the first features **a** of the first component **3** and the first feature **a** of the second component **A** is contiguous with at least one of the holes (see figure 6).

- h. Claim 10. Ross further teaches at least one of the first feature (opposite side of **B** from **b**) of the third component **B, 2** and the second feature (opposite side of **B** from **b**) of the first component **3** is contiguous with at least one of the holes (see figure 6).
- i. Claim 11. Ross further teaches a first feature (opposite side of **B** from **b**) on the third component **B, 2** engages a second feature (opposite side of **B** from **b**) of the first component **3** to align the first component **3** relative to the third component **B, 2** and the first **a** and second (opposite side of **B** from **b**) features of the first component **3** are on opposite sides of the first component **3** and are aligned (see figure 6; column 1 lines 29-31).
- j. Claim 12. Ross teaches the first feature **a** of the first component **3** is a recess and the second feature (opposite side of **B** from **b**) of the first component **3** is a projection (figure 6; column 1 lines 29-31).
- k. Claim 13. Ross teaches that the first component **3** is made from metal (column 1 lines 1-2). As to the latter part of the claim, the method of forming the first hole is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.
- l. Claim 14. Ross teaches the third component **B, 2** having a first surface (wall of hole through **2**) for engagement with the first **1ax, 4** fixing member to align the third component **B, 2** relative to at least one of the first **3** and second **A** components. As set forth above, such construction is desired to increase the contact area and reduce tearing due to stresses in the material.

m. Claim 15. Ross further teaches the first component **3** sealed relative to the second component **A** and the first component **3** sealed relative to the third component **B** (see figure 6).

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobson in view of Wierzchon (US 6,125,526).

a. Claim 17. Dobson, as applied above, includes each limitation recited in claim 17 except for the first threaded portion having a diameter greater than the diameter of a second threaded portion. Wierzchon teaches a first threaded portion **46** having a diameter greater than the diameter of a second threaded portion **42** in order to allow the second threaded portion **42** to pass through the openings of several members without engagement while the first threaded portion **46** engages at least one of the several members (see figures 1 and 4; column 3). This allows a nut to be placed on the second threaded portion to create a further compressive force in the connection. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the diameters of the several threaded portions on a fastener as taught by Wierzchon.

b. Claim 18. Dobson, as applied above, includes each limitation recited in claim 18 including a threaded portion [on the first fixing member **70**] having a pitch which is substantially equal to the pitch of the second fixing member **80** (see figure 8), but does not include the first threaded portion having a pitch which is different from the pitch of the first hole. As above, Wierzchon teaches a first threaded portion **46** having a pitch which is different from the pitch of the first hole **26** in order to allow the first threaded

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portion 46 to deformingly engage at least one of the several members and prevent withdrawal of the fastener from that engagement (see figures 2 and 3; column 1 lines 50-52 and column 3 lines 24-30). This allows a nut to be placed on the second threaded portion to create a further compressive force in the connection. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the pitch of the first threaded portion on a fastener from the pitch of the hole which it engages as taught by Wierzchon.

Response to Arguments

6. Applicant's arguments with respect to claims 1-18, 22, 23, 26, and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The finality of the previous Office action is withdrawn. In view of newly discovered prior art, the indication of allowable subject matter is hereby withdrawn. This action is non-final.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

RMF


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670